IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE ACTING CHIEF JUSTICE MR.K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

TUESDAY, THE 3RD APRIL 2007 / 13TH CHAITHRA 1930

RP. No. 264 of 2007

AGAINST THE JUDGEMENT IN WA.2190/2006
.....

REVIEW PETITIONER/1ST RESPONDENT

ARYA SANJEEV,
ARYA, G1-191, KAIRALI NAGAR, THIRUMALA,
THIRUVANANTHAPURAM.

BY ADV. SRI.P.V.JYOTHI PRASAD

RESPONDENTS: APPELLANT & RESPONDENTS
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1. GOVIND JAYAN, JAYA PRASANTH,
P.K.R.A.252, VAYALARIKAL, PATTOM P.O.,
THIRUVANANTHAPURAM.

2. UNION OF INDIA, REP. BY THE SECRETARY,
MINISTRY OF HEALTH AND FAMILY WELFARE,
NEW DELHI.

3. STATE OF KERALA, REP. BY THE SECRETARY,
EDUCATION DEPARTMENT, SECRETARIATE,
THIRUVANANTHAPURAM.

4. THE ASSISTANT DIRECTOR GENERAL
(MEDICAL EDUCATION), MEDICAL EXAMINATION CELL,
DGMS, NIRMAN BHAVAN, NEW DELHI 110 011.

5. DIRECTOR OF MEDICAL EDUCATION,
THIRUVANANTHAPURAM.

6. THE PRINCIPAL,
GOVERNMENT MEDICAL COLLEGE,
THIRUVANANTHAPURAM.

R3 r5R5 AND R6 BY GOVT PLEADER SRI M.R. SABU

R1BY ADV. SRI.PIRAPPANCODE V.S.SUDHEER
SRI.N.ENEELAKANDAN ELAYATH
R2 BY ADV. SRI.AJITH KRISHNAN, ACGSC

THIS REVIEW PETITION HAVING BEEN FINALLY HEARD ON 27/03/2007, THE COURT ON 03/04/2007 PASSED THE FOLLOWING:

K.S. RADHAKRISHNAN, Ag. C.J. & M.N. KRISHNAN, J.

R.P. No 264 of 2007 in W.A. No 2190 of 2006

Dated: 3rd April, 2007

O R D E R

Radhakrishnan, Ag.C.J.

This review petition has been preferred by the first respondent in W.A. No 2190 of 2006 seeking review of the judgment on the ground that the cut off date to fill up All India Quota was extended till 31.10.2006 prior to the review petitioner joined at the T.D. Medical College on All India Quota. It is also stated that even if she has joined the T.D. Medical College, Alleppey she was transferred to Trivandrum Medical College on compassionate ground. Further, review petitioner has also stated that before the cut off date, i.e., 22.08.2006 two vacancies arose in the Thiruvananthapuram Medical College, that is, on 29.07.2006 and 31.07.2006. Hence in one vacancy review petitioner could have been admitted.

2. Detailed counter affidavit has been filed by the first respondent herein who was the appellant in W.A. No 2190 of 2006. A statement has also been filed on behalf of the fifth respondent, as

directed by this court. In the statement filed by the fifth respondent it is specifically stated that the Principal of Thiruvananthapuram Medical College in his letter dated 31.07.2006 has reported that two more vacancies occurred on 29.07.2006 and 31.07.2006 and the second round of counselling was from 1.8.2006 to 8.8.2006 and the Director General of Health Services has allotted one more candidate to the Medical College, Thiruvananthapuram as per his letter dated 8.8.2006 by which it was informed that the seats of 15% All India Quota remaining vacant on or after 23.08.2006 was to be treated as surrendered to State quota. First respondent filed additional counter affidavit stating that the second round of counsellling had started from 1.8.2008 and terminated on 8.8.2008. Ann George in the All India Quota was admitted on 5.8.2006, that is, prior to 22.8.2006. In the letter dated 8.8.2006 the Director General of Health Services had informed that the remaining seat has already been surrendered to State quota. Review petitioner, as already indicated, raised a contention that the cut off date to fill up All India Quota was extended till 31.10.2006 and therefore there will be no seat in the Thiruvananthapuram Medical College. We have considered all the contentions raised by the review petitioner and disposed of the

appeal accordingly. We find no reason to take a different view . The Supreme Court in Mridhul Dhar v. Union of India (2005 (2) SCC 65) held that the seats vacant after 22.8.2006 would be surrendered back to the State quota. It has been held that the last date for joining of candidates who were allotted seats after second round of counselling is 22nd August and the last date upto which students can be admitted against vacancies arising due to any reason is 30th September. This has been stated in paragraph 11 of the judgment of the apex court. In such circumstances we find no error apparent on the face of the record to be interfered by us in this review petition. The review petition lacks merits and the same would stand dismissed.

Sd/-
K.S. RADHAKRISHNAN
Ag. Chief Justice

Sd/-
M.N.KRISHNAN
Judge

03/04/2007
en/

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